

SENATE, No. 2226

STATE OF NEW JERSEY
217th LEGISLATURE

INTRODUCED MAY 23, 2016

Sponsored by:

Senator PATRICK J. DIEGNAN, JR.

District 18 (Middlesex)

SYNOPSIS

Allows municipality to authorize parking authority as redevelopment entity.

CURRENT VERSION OF TEXT

As introduced.



1 **AN ACT** allowing municipalities to authorize its parking authority to
2 serve as a redevelopment entity, supplementing P.L.1948,
3 c.198 (C.40:11A-1 et seq.) and amending P.L.1992, c.79.

4
5 **BE IT ENACTED** *by the Senate and General Assembly of the State*
6 *of New Jersey:*

7
8 1. (New section) a. A municipality, by ordinance, may
9 authorize its parking authority to serve as a redevelopment entity
10 under the "Local Redevelopment and Housing Law," P.L.1992,
11 c.79 (C.40A:12A-1 et seq.), and to exercise redevelopment powers
12 within an area in need of redevelopment or in an area in need of
13 rehabilitation in the municipality, subject to prior review and
14 approval pursuant to the "Local Authorities Fiscal Control Law,"
15 P.L.1983, c.313 (C.40A:5A-1 et seq.).

16 b. In addition to the other powers and purposes of a municipal
17 parking authority, a parking authority that is authorized to serve as
18 a redevelopment entity is authorized to exercise all those public and
19 essential governmental functions necessary or convenient to
20 effectuate the purposes of the "Local Redevelopment and Housing
21 Law," P.L.1992, c.79 (C.40A:12A-1 et seq.) and the terms of the
22 redevelopment plan.

23
24 2. Section 3 of P.L.1992, c.79 (C.40A:12A-3) is amended to
25 read as follows:

26 3. As used in this act:

27 "Bonds" means any bonds, notes, interim certificates, debentures
28 or other obligations issued by a municipality, county,
29 redevelopment entity, or housing authority pursuant to P.L.1992,
30 c.79 (C.40A:12A-1 et al.).

31 "Comparable, affordable replacement housing" means newly-
32 constructed or substantially rehabilitated housing to be offered to a
33 household being displaced as a result of a redevelopment project,
34 that is affordable to that household based on its income under the
35 guidelines established by the Council on Affordable Housing in the
36 Department of Community Affairs for maximum affordable sales
37 prices or maximum fair market rents, and that is comparable to the
38 household's dwelling in the redevelopment area with respect to the
39 size and amenities of the dwelling unit, the quality of the
40 neighborhood, and the level of public services and facilities offered
41 by the municipality in which the redevelopment area is located.

42 "Development" means the division of a parcel of land into two or
43 more parcels, the construction, reconstruction, conversion,
44 structural alteration, relocation, or enlargement of any building or
45 other structure, or of any mining, excavation or landfill, and any use

EXPLANATION – Matter enclosed in bold-faced brackets **[thus]** in the above bill is
not enacted and is intended to be omitted in the law.

Matter underlined thus is new matter.

1 or change in the use of any building or other structure, or land or
2 extension of use of land, for which permission may be required
3 pursuant to the "Municipal Land Use Law," P.L.1975,
4 c.291 (C.40:55D-1 et seq.).

5 "Governing body" means the body exercising general legislative
6 powers in a county or municipality according to the terms and
7 procedural requirements set forth in the form of government
8 adopted by the county or municipality.

9 "Housing authority" means a housing authority created or
10 continued pursuant to this act.

11 "Housing project" means a project, or distinct portion of a
12 project, which is designed and intended to provide decent, safe and
13 sanitary dwellings, apartments or other living accommodations for
14 persons of low and moderate income; such work or undertaking
15 may include buildings, land, equipment, facilities and other real or
16 personal property for necessary, convenient or desirable
17 appurtenances, streets, sewers, water service, parks, site
18 preparation, gardening, administrative, community, health,
19 recreational, educational, welfare or other purposes. The term
20 "housing project" also may be applied to the planning of the
21 buildings and improvements, the acquisition of property, the
22 demolition of existing structures, the construction, reconstruction,
23 alteration and repair of the improvements and all other work in
24 connection therewith.

25 "Parking authority" means a public corporation created pursuant
26 to the "Parking Authority Law," P.L.1948, c.198 (C.40:11A-1 et
27 seq.), and authorized to exercise redevelopment powers within the
28 municipality.

29 "Persons of low and moderate income" means persons or
30 families who are, in the case of State assisted projects or programs,
31 so defined by the Council on Affordable Housing in the Department
32 of Community Affairs, or in the case of federally assisted projects
33 or programs, defined as of "low and very low income" by the
34 United States Department of Housing and Urban Development.

35 "Public body" means the State or any county, municipality,
36 school district, authority or other political subdivision of the State.

37 "Public housing" means any housing for persons of low and
38 moderate income owned by a municipality, county, the State or the
39 federal government, or any agency or instrumentality thereof.

40 "Publicly assisted housing" means privately owned housing
41 which receives public assistance or subsidy, which may be grants or
42 loans for construction, reconstruction, conservation, or
43 rehabilitation of the housing, or receives operational or maintenance
44 subsidies either directly or through rental subsidies to tenants, from
45 a federal, State or local government agency or instrumentality.

46 "Real property" means all lands, including improvements and
47 fixtures thereon, and property of any nature appurtenant thereto or
48 used in connection therewith, and every estate, interest and right,

1 legal or equitable, therein, including terms for years and liens by
2 way of judgment, mortgage or otherwise, and indebtedness secured
3 by such liens.

4 "Redeveloper" means any person, firm, corporation or public
5 body that shall enter into or propose to enter into a contract with a
6 municipality or other redevelopment entity for the redevelopment or
7 rehabilitation of an area in need of redevelopment, or an area in
8 need of rehabilitation, or any part thereof, under the provisions of
9 this act, or for any construction or other work forming part of a
10 redevelopment or rehabilitation project.

11 "Redevelopment" means clearance, replanning, development and
12 redevelopment; the conservation and rehabilitation of any structure
13 or improvement, the construction and provision for construction of
14 residential, commercial, industrial, public or other structures and
15 the grant or dedication of spaces as may be appropriate or necessary
16 in the interest of the general welfare for streets, parks, playgrounds,
17 or other public purposes, including recreational and other facilities
18 incidental or appurtenant thereto, in accordance with a
19 redevelopment plan.

20 "Redevelopment agency" means a redevelopment agency created
21 pursuant to subsection a. of section 11 of P.L.1992,
22 c.79 (C.40A:12A-11) or established heretofore pursuant to the
23 "Redevelopment Agencies Law," P.L.1949, c.306 (C.40:55C-1 et
24 al.), repealed by this act, which has been permitted in accordance
25 with the provisions of this act to continue to exercise its
26 redevelopment functions and powers.

27 "Redevelopment area" or "area in need of redevelopment" means
28 an area determined to be in need of redevelopment pursuant to
29 sections 5 and 6 of P.L.1992, c.79 (C.40A:12A-5 and 40A:12A-6)
30 or determined heretofore to be a "blighted area" pursuant to
31 P.L.1949, c.187 (C.40:55-21.1 et seq.) repealed by this act, both
32 determinations as made pursuant to the authority of Article VIII,
33 Section III, paragraph 1 of the Constitution. A redevelopment area
34 may include lands, buildings, or improvements which of themselves
35 are not detrimental to the public health, safety or welfare, but the
36 inclusion of which is found necessary, with or without change in
37 their condition, for the effective redevelopment of the area of which
38 they are a part.

39 "Redevelopment entity" means a municipality or an entity
40 authorized by the governing body of a municipality pursuant to
41 subsection c. of section 4 of P.L.1992, c.79 (C.40A:12A-4) to
42 implement redevelopment plans and carry out redevelopment
43 projects in an area in need of redevelopment, or in an area in need
44 of rehabilitation, or in both.

45 "Redevelopment plan" means a plan adopted by the governing
46 body of a municipality for the redevelopment or rehabilitation of all
47 or any part of a redevelopment area, or an area in need of
48 rehabilitation, which plan shall be sufficiently complete to indicate

1 its relationship to definite municipal objectives as to appropriate
2 land uses, public transportation and utilities, recreational and
3 municipal facilities, and other public improvements; and to indicate
4 proposed land uses and building requirements in the redevelopment
5 area or area in need of rehabilitation, or both.

6 "Redevelopment project" means any work or undertaking
7 pursuant to a redevelopment plan; such undertaking may include
8 any buildings, land, including demolition, clearance or removal of
9 buildings from land, equipment, facilities, or other real or personal
10 properties which are necessary, convenient, or desirable
11 appurtenances, such as but not limited to streets, sewers, utilities,
12 parks, site preparation, landscaping, and administrative, community,
13 health, recreational, educational, and welfare facilities.

14 "Rehabilitation" means an undertaking, by means of extensive
15 repair, reconstruction or renovation of existing structures, with or
16 without the introduction of new construction or the enlargement of
17 existing structures, in any area that has been determined to be in
18 need of rehabilitation or redevelopment, to eliminate substandard
19 structural or housing conditions and arrest the deterioration of that
20 area.

21 "Rehabilitation area" or "area in need of rehabilitation" means
22 any area determined to be in need of rehabilitation pursuant to
23 section 14 of P.L.1992, c.79 (C.40A:12A-14).

24 (cf: P.L.2008, c.46, s.1)

25
26 3. Section 4 of P.L.1992, c.79 (C.40A:12A-4) is amended to
27 read as follows:

28 4. In exercising the redevelopment and rehabilitation functions
29 provided for in this act:

30 a. A municipal governing body shall have the power to:

31 (1) Cause a preliminary investigation to be made pursuant to
32 subsection a. of section 6 of P.L.1992, c.79 (C.40A:12A-6) as to
33 whether an area is in need of redevelopment;

34 (2) Determine pursuant to subsection b. of section 6 of
35 P.L.1992, c.79 (C.40A:12A-6) that an area is in need of
36 redevelopment;

37 (3) Adopt a redevelopment plan pursuant to section 7 of
38 P.L.1992, c.79 (C.40A:12A-7);

39 (4) Determine pursuant to section 14 of P.L.1992,
40 c.79 (C.40A:12A-14) that an area is in need of rehabilitation.

41 b. A municipal planning board shall have the power to:

42 (1) Conduct, when authorized by the municipal governing body,
43 a preliminary investigation and hearing and make a
44 recommendation pursuant to subsection b. of section 6 of P.L.1992,
45 c.79 (C.40A:12A-6) as to whether an area is in need of
46 redevelopment;

47 (2) Make recommendations concerning a redevelopment plan
48 pursuant to subsection e. of section 7 of P.L.1992,

1 c.79 (C.40A:12A-7), or prepare a redevelopment plan pursuant to
2 subsection f. of that section;

3 (3) Make recommendations concerning the determination of an
4 area in need of rehabilitation pursuant to section 14 of P.L.1992,
5 c.79 (C.40A:12A-14).

6 c. The municipality shall be responsible for implementing
7 redevelopment plans and carrying out redevelopment projects
8 pursuant to section 8 of P.L.1992, c.79 (C.40A:12A-8). The
9 municipality may execute these responsibilities directly, or in
10 addition thereto or in lieu thereof, through either a municipal
11 redevelopment agency, a parking authority authorized to exercise
12 redevelopment powers within the municipality pursuant to section 1
13 of P.L. , c. (C.) (pending before the Legislature as this bill),
14 or a municipal housing authority authorized to exercise
15 redevelopment powers pursuant to section 21 of P.L.1992,
16 c.79 (C.40A:12A-21), but there shall be only one redevelopment
17 entity responsible for each redevelopment project. A county
18 improvement authority authorized to undertake redevelopment
19 projects pursuant to the "county improvement authorities law,"
20 P.L.1960, c.183 (C.40:37A-44 et seq.) may also act as a
21 redevelopment entity pursuant to this act. Within a municipality
22 that has been designated the capital of the State, the Capital City
23 Redevelopment Corporation, established pursuant to P.L.1987,
24 c.58 (C.52:9Q-9 et seq.) may also act as a redevelopment entity
25 pursuant to P.L.1992, c.79 (C.40A:12A-1 et al.). The
26 redevelopment entity, so authorized, may contract with any other
27 public body, in accordance with the provisions of section 8 of
28 P.L.1992, c.79 (C.40A:12A-8), for the carrying out of a
29 redevelopment project or any part thereof under its jurisdiction.
30 Notwithstanding the above, the governing body of the municipality
31 may, by ordinance, change or rescind the designation of the
32 redevelopment entity responsible for implementing a redevelopment
33 plan and carrying out a redevelopment project and may assume this
34 responsibility itself, but only the redevelopment entity authorized to
35 undertake a particular redevelopment project shall remain
36 authorized to complete it, unless the redevelopment entity and
37 redeveloper agree otherwise, or unless no obligations have been
38 entered into by the redevelopment entity with parties other than the
39 municipality. This shall not diminish the power of the municipality
40 to dissolve a redevelopment entity pursuant to section 24 of
41 P.L.1992, c.79 (C.40A:12A-24), and section 20 of the "Local
42 Authorities Fiscal Control Law," P.L.1983, c.313 (C.40A:5A-20).
43 (cf: P.L.2009, c.252, s.14)
44
45 4. This act shall take effect immediately.

1 STATEMENT

2

3 This bill would allow a municipality that has created a parking
4 authority under the "Parking Authority Law" and has also
5 determined an area within the municipality to be in need of
6 redevelopment or rehabilitation under the "Local Redevelopment
7 and Housing Law" to authorize its parking authority as a
8 redevelopment entity. Under current law, a municipality must
9 implement redevelopment plans and carry out redevelopment
10 projects directly, or through either a municipal redevelopment
11 agency, a municipal housing authority, or a county improvement
12 authority authorized to undertake redevelopment projects.